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## **The Call for and Role of Asian Lawyers in the Deep South**

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Jou-Chi Ho\*

### **ABSTRACT**

The Deep South has long held a reputation for having its own system to deal with its matters, especially its racial matters. Widespread racial injustice permeates the history of the Deep South. Generally, however, the discussion of race in the Deep South proceeds from a Black/White binary perspective. Nevertheless, as this country becomes more globally integrated, the scope of the discussion of race should be broadened. In the Deep South today, the composition of racial groups is more diverse than it was decades ago. One group bringing added diversity includes those of Asian descent. Like other racial minority groups, Asian persons' immigration history is part of the United States' legal and societal struggles, and the challenges they face deserve more attention. This article will explore various issues with respect to the connection between Asian communities and the US legal system in the Deep South. It will then focus on the critical need for and role of future Asian lawyers in the Deep South.

### **INTRODUCTION**

When I entered my second year in law school in Mississippi, I received an invitation for a job interview with a law firm. I thought I would be hired for my legal abilities, and arrived at the interview prepared to objectively

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discuss my writing, research, analytical, and practical skills. Instead, the interviewing attorney was more interested in expanding the office's legal services to more racial minority groups, especially Asian groups, in Mississippi. Emphasizing my bilingual speaking ability, the interviewer asked me if I had any ideas about how to reach out to the local Chinese community and provide legal services for them. In other words, he wanted me to prove the value of my diversity, as a Taiwanese person, to his firm. His question surprised me; it also deeply inspired me to explore my potential contribution as an Asian lawyer in the Deep South.

His question set me to thinking more about what I could bring and what I might be expected to bring to a law practice, especially one located in the Deep South. The following semester in my seminar class I shared that I was interested in determining the role of Asian lawyers in Mississippi. One of my non-Asian classmates responded that since there are not many Asians in Mississippi, Asian lawyers are not needed in the Deep South. I disagreed with her then, and I continue to disagree with her now.

This article is my response to both the White attorney who wanted to know my unique value or calling in the Deep South and to my Black classmate who wanted to know if an Asian lawyer had a place or role here. Thus, this paper explores the call for and role of Asian lawyers in the Deep South. As will be discussed later in this article, categorization of those of Asian heritage is not simple. Some are Asian Americans, born or naturalized in the United States. Other Asians are present in the United States, but are not US citizens. Moreover, as is noted below, those of Asian heritage are quite diverse. Here, I choose to use the term Asians to refer to all of Asian descent, regardless of particular country identity and regardless of American citizenship status.

This article is divided into two parts. The first part is focused on racial theory and history with respect to Asian groups in the United States generally, and in the Deep South particularly. This section is important because minorities in the United States must be especially aware of the

United States' racial history and lingering themes. This holds true not only for descendants of former slaves, but also for Asians who immigrated to the United States. How can we understand our present roles and callings if we do not understand our past?

After reflecting on that past, the second part of this article is focused on the present and future role of the Asian lawyer in the Deep South and the current legal climate faced by potential Asian clients in the Deep South. Although my Black and White law school seminar classmates openly questioned if an Asian lawyer has a place in the Deep South, I beg to differ. I hope this article will persuade readers to agree with me that Asian lawyers do have an important calling and role in the Deep South.

#### I. ASIAN GROUPS IN THE UNITED STATES, GENERALLY AND PARTICULARLY IN THE DEEP SOUTH

Before closely examining the call and role of Asian lawyers in the Deep South, some historical background information is needed. This section addresses this background by first discussing some of the racial perceptions of Asians and then by second examining the legal climate Asians face nationally and more particularly in my law school state of Mississippi.

##### *A. Limiting Perceptions*

The United States is a nation of immigrants that encompasses people from all different racial backgrounds living together on the same soil. The racial makeup of the country includes one White majority group and other racial minority groups.<sup>1</sup> Among all the minority groups, Asians are one of the smaller minority groups, accounting for only 5.1 percent of the nation's

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<sup>1</sup> UNITED STATES CENSUS BUREAU, STATE & COUNTY QUICK FACTS (2014), *available at* <http://quickfacts.census.gov/qfd/states/00000.html>. (Hereinafter "STATE & COUNTY QUICK FACTS").

population.<sup>2</sup> Beginning in 2000, Asians became the highest-income, best-educated, and, now, fastest-growing racial group in the United States.<sup>3</sup> Nevertheless, there are some stereotypes still surrounding Asians in the United States, some which relate to their success as a minority group. For example, Asians are sometimes labeled as the “Model Minority.”<sup>4</sup> Another common stereotype is foreignness—that Asians do not belong or fit in American society.<sup>5</sup> Both will be discussed more below.

I began to notice the status and labeling of Asians when I studied for my Masters degree in Seattle, Washington. As an international student from Taiwan, I made friends from various backgrounds. Of course I made several Asian American friends in class as well. Among them was a male student with Southeast Asian heritage. I was especially impressed with him; not just by his creativity, quick wit, silver tongue, or smooth English language skills and confidence in class, but also by his participation in the Army ROTC.<sup>6</sup> He came to this country with his family when he was very young. A few years later he was naturalized and became an American citizen. He was a native English speaker; moreover, the United States is the country he was

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<sup>2</sup> *Id.* In 2012, Blacks or African Americans alone accounted for 13.1 percent; American Indians and Alaska Natives alone were 1.2 percent; Hispanics or Latinos were 16.9 percent. *Id.*

<sup>3</sup> PAUL TAYLOR, THE RISE OF ASIAN AMERICANS, (2013), available at <http://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/>.

<sup>4</sup> Miranda Oshige McGowan & James Lindgren, *Testing the “Model Minority Myth,”* 100 NW. U. L. REV. 331, 333 (2006). The concept of “Model Minority” began with a 1966 article in the New York Times Magazine. *Id.* The purpose of the article was to rebuild confidence in the American Dream with Japanese Americans as an example. *Id.* at 333.

<sup>5</sup> Kevin R. Johnson, *Racial Hierarchy, Asian Americans and Latinos as “Foreigners” and Social Change: Is Law the Way to Go?*, 76 OR. L. REV. 347, 350 (1997).

<sup>6</sup> *Army ROTC*, U.S. ARMY, <http://www.goarmy.com/rotc/service-commitment.html> (last visited Feb. 19, 2014). The Reserve Officers Training Corps (ROTC) offers merit-based scholarships for undergraduate and graduate students. Students receiving ROTC scholarships must complete an eight-year period of service with the Army. *Id.*

most familiar with and regarded as home. My observations of my friend made me believe that he was willing to serve this country with his life.

Surprisingly, people still asked me about his nationality and background. At the core of these inquiries were questions connected to the stereotypes of Asians as foreigners and outsiders. Our classmates' hesitations to accept him as American greatly surprised me. Racial perceptions of foreignness hinder Asian Americans in becoming regarded as localized citizens, though they may be legalized citizens in this country and devoted residents of their states.<sup>7</sup>

Asian Americans are also singled out with back-handed compliments. For example, "Model Minority" is a stereotype that is deeply associated with Asian Americans.<sup>8</sup> The idea sourced from the characterization of the Asian group as being industrious, educated, and obedient.<sup>9</sup> While it sounds like a compliment, the "Model Minority" presumption may lead to unpleasant effects, including separating Asians from an alliance with other racial minorities.<sup>10</sup>

When I enrolled in law school in the state of Mississippi, far from Taiwan and Seattle, frequently some of my non-Asian colleagues would take my good grades for granted due to my Asian heritage and would disregard my struggles and challenges. Based on my experiences, with this higher bar, Asians' actual needs for help are more likely to be ignored or disregarded.

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<sup>7</sup> Natsu Taylor Saito, *Model Minority, Yellow Peril: Functions of "Foreignness" in the Construction of Asian American Legal Identity*, 4 ASIAN AM. L.J. 71—76 (1977), available at <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1034&context=aalj>.

<sup>8</sup> McGowan & Lindgren, *supra* note 4, at 333.

<sup>9</sup> Taylor, *supra* note 7, at 6.

<sup>10</sup> Pat K. Chew, *Asian Americans: the "Reticent" Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 24 (1994), available at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1739&context=wmlr>.

Contrary to a familiar expression in the United States that “the squeaky wheel gets the grease,” Asian culture emphasizes “the loudest duck gets shot,”<sup>11</sup> which culturally instructs Asians to be quieter and, thus, makes Asians a silent minority.<sup>12</sup> Because of the imposed myth of the “Model Minority,” coupled with Asian cultural values of not complaining, I missed out on some of the assistance that I needed to adjust to legal education in Mississippi. However, silence should not breed a liability imposed on Asian Americans’ failure to reach out for their needs and help. Furthermore, as a result of the “Model Minority” stereotype, even when I asked for help, some professors and my peers ignored my quiet requests.

This article will later focus on how Asian lawyers can help their small minority group become more vocal and get more help in our legal system. Before I address the important role Asian lawyers can fill, however, I will discuss the legal landscape that Asians face.

#### *B. Asian Immigration and its Effects on the Evolution of American Law*

When Asians are discussed, often they are regarded as one group and not as the many diverse groups that the term “Asian” includes.<sup>13</sup> Thus, this section starts with clarification of terminology and the ethnic group focus for this paper. The next part of this section examines the development of US law and how Asian immigrants were affected by the US judicial system in the past. Lastly, this section will use the Chinese experience in the Mississippi Delta area as a model framework not only to scrutinize the racial position of the Chinese, but also to redefine the value of Asian lawyers in the Deep South.

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<sup>11</sup> See TAYLOR, *supra* note 3.

<sup>12</sup> *Id.*

<sup>13</sup> Daniel Tsoy, *Deconstructing The Bamboo Ceiling*, ASIAN FORTUNE (2014), <http://www.asianfortunenews.com/2013/08/deconstructing-the-bamboo-ceiling> (last visited Mar. 22, 2014).

Asians include those persons whose heritage originates from dozens of countries in the Far East, Southeast Asia, and the Indian subcontinent, each with a unique history, culture, language, and pathway to the United States.<sup>14</sup> To generalize the immigration history of Asians in one single box would not only confuse the subject matter, but also disrespect the distinctions among each separate group. Therefore, it is important to look at the overall evolutionary change of immigration law pertaining to a particular Asian group. I will use the case study of one group to draw broader conclusions about the consequences of the whole. Hence, this paper will specifically focus on the history of the Chinese in America generally, and in the Deep South more particularly.

### **1. National Legal Background**

Many of the earliest Asian immigrants to the United States were the Chinese.<sup>15</sup> Chinese persons immigrated to this continent without involuntary servitude. Some even worked as temporary workers with the intent to go back to China after accumulating fortunes.<sup>16</sup> For example, during the California Gold Rush and construction of the Central Pacific Railroad considerable numbers of Chinese were attracted to the United States.<sup>17</sup> However, “once the economic advantages of Chinese immigration

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<sup>14</sup> UNITED STATES CENSUS BUREAU, STATE & COUNTY QUICK FACTS (2014), available at [http://quickfacts.census.gov/qfd/meta/long\\_RHI125212.htm](http://quickfacts.census.gov/qfd/meta/long_RHI125212.htm).

<sup>15</sup> *The First Asian Americans*, ASIAN NATION, <http://www.asian-nation.org/first.shtml> (last visited Jun. 7, 2014).

<sup>16</sup> John Thornell, *Struggle For Identity In The Most Southern Place On Earth: The Chinese in the Mississippi Delta*, CHINESE AMERICAN HISTORY PERSPECTIVES 63, 64 (2004).

<sup>17</sup> Freddy Funes, *Beyond the Plenary Power Doctrine: How Critical Race Theory Can Help Move Us Past the Chinese Exclusion Case*, 11 SCHOLAR 341, 346 (2009).



disappeared, Chinese immigration disappeared.”<sup>18</sup> The court decisions and laws discussed below explain this disappearance.

In *People v. Hall*,<sup>19</sup> decided by a California court in 1854, a White defendant was charged with murdering a Chinese miner. Three Chinese witnesses testified to seeing the defendant kill the deceased.<sup>20</sup> The court ruled that because Chinese persons fall into the non-White category, they did not possess the right to testify against the White defendant under the US Constitution.<sup>21</sup> The ruling detrimentally affected Chinese persons in at least two ways. First, the Chinese were deprived of protection in the American legal system because of their assigned non-White identity. Second, these difficulties prevented Chinese immigrants from pursuing economic opportunities and fully enjoying the economic prosperity of California at the time.<sup>22</sup> Just as other racial minorities were excluded from full participation in our legal system,<sup>23</sup> so were the Chinese.

The exclusion of the Chinese was also based on resentment and the desire of some Whites to control the country economically. In 1882, driven by economic resentment against cheap and industrious Chinese laborers, the US Congress further restricted Chinese labor from coming to work in the United States by passing the Chinese Exclusion Act,<sup>24</sup> which suspended the immigration of Chinese laborers to the United States.<sup>25</sup> But some

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<sup>18</sup> *Id.* at 347.

<sup>19</sup> *People v. Hall*, 4 Cal. 399, 400 (1854).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Charles J. McClain, Jr, *The Chinese Struggle for Civil Rights in the Nineteenth Century America: The First Phase, 1850-1870*, 72 CAL. L. REV. 529, 552 (1984).

<sup>23</sup> See NELL IRVIN PAINTER, *CREATING BLACK AMERICANS: AFRICAN-AMERICAN HISTORY AND ITS MEANINGS, 1619 TO THE PRESENT* 164-65 (2006).

<sup>24</sup> Chinese Exclusion Act of 1882, 22 Stat. 58 (1882).

<sup>25</sup> Jan C. Ting, *How U.S. Immigration Law Resulted from and Still Reflects a Policy of Excluding and Restricting Asian Immigration*, 4 TEMP. POL. & CIV. RTS. L. REV. 301, 303 (1995).

constitutional rights of Chinese groups who remained in the United States prior to the passage of the Act were protected. For example, in *Yick Wo v. Hopkins*, the Supreme Court ruled that Chinese citizens should be treated equally like other racial groups under the Fourteenth Amendment.<sup>26</sup> Despite this recognition, Congress completely sealed off the entry of Chinese labor into the US market by its passage of the Scott Act in 1888.<sup>27</sup> The population of Chinese immigrants drastically diminished as a result.<sup>28</sup> Thus, the flow of Chinese immigration to the United States declined even as the United States began to increasingly recognize the equal protection rights of Chinese US residents. A decade later, in *US v. Wong Kim Ark*, the Court finally opened the door to full citizenship by applying the Citizenship Clause to ethnically Asian US residents.<sup>29</sup> The Court recognized citizenship rights for Asians who were born in the United States.<sup>30</sup> Nonetheless, Asian immigrants' access to the country remained restricted due to their non-White status.<sup>31</sup> In *Takao Ozawa v. United States*, Ozawa, a Japanese man, was denied naturalization under the Naturalization Act, which allowed only White persons and persons of African descent or African nativity to naturalize.<sup>32</sup> The same year in *United States v. Bhagat Singh Thind*, the Court used the same reason to reject an Asian Indian man's petition for naturalization.<sup>33</sup>

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<sup>26</sup> *Yick Wo v. Hopkins*, 118 U.S. 356, 357 (1886).

<sup>27</sup> *Chew Heong v. United States: Chinese Exclusion and the Federal Courts*, FEDERAL JUDICIAL CENTER, [http://www.fjc.gov/history/home.nsf/page/tu\\_exclusion\\_doc\\_4.html](http://www.fjc.gov/history/home.nsf/page/tu_exclusion_doc_4.html) (last visited Mar. 8, 2014). Under the Scott Act, Chinese laborers were excluded without time limits. *Id.*

<sup>28</sup> *Chinese Exclusion Act* (1882), HARVARD UNIVERSITY LIBRARY OPEN COLLECTIONS PROGRAM, <http://ocp.hul.harvard.edu/immigration/exclusion.html> (last visited Feb. 15, 2014).

<sup>29</sup> *United States v. Wong Kim Ark*, 169 U.S. 649, 650 (1898).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Takao Ozawa v. United States*, 260 U.S. 178, 179 (1922).

<sup>33</sup> *United States v. Bhagat Singh Thind*, 261 U.S. 204, 205 (1923).

These cases illustrate that even prior to World War II, both Japanese and Chinese immigrants were struggling for their legal rights in the United States. Although World War II did not start the problems for Asians in America, it added to them dramatically, especially for the Japanese. Interestingly, the breakout of World War II led to a greater acceptance of Chinese immigrants, while Japanese immigrants became more excluded in US society during World War II.

Following the bombing in Pearl Harbor by Japan in World War II, the US Government entered World War II and fought against Japan. Out of fear that Japanese American citizens might be disloyal, Japanese Americans on the west coast were forced to relocate and were incarcerated in certain designated areas under President Roosevelt's executive order.<sup>34</sup> Toyosaburo Korematsu, a Japanese-born American citizen who defied the relocation order, challenged the President's executive order all the way to the US Supreme Court.<sup>35</sup> The Court upheld the President's order to relocate Japanese American relying on a simple justification—national security.<sup>36</sup>

Although the Chinese also suffered in the legal system, their larger numbers and cooperation with the US Government led to greater acceptance in US society. For example, because China was an ally with the United States in World War II, the Chinese Exclusion Act was finally repealed in 1965.<sup>37</sup> This repeal allowed for limited immigration of Chinese persons to the United States.<sup>38</sup>

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<sup>34</sup> Toyosaburo Korematsu v. United States, 323 U.S. 214, 215–216 (1944).

<sup>35</sup> *Id.* at 215.

<sup>36</sup> *Id.* at 225. Eventually, Congress ordered reparations for Japanese Americans who suffered from the impact of World War II. Jerry Kang, *Denying Prejudice: Internment, Redress, And Denial*, 51 UCLA REV. 933, 975 (2004). Additionally, Mr. Korematsu's conviction was reversed in the lower court. *Id.* at 935.

<sup>37</sup> *Repeal of the Chinese Exclusion Act, 1943*, U.S. DEP'T OF STATE OFFICE OF THE HISTORIAN,

While the Chinese seemed to have fared better under American Law than the Japanese, this does not mean that they fared well. In the Deep South, their situation was unique from other racial groups, as is discussed below. Although their situation was unique, for example, from Blacks, the situation of Asians did not lead to a full assimilation into White privilege either. Neither Black nor White, it is no wonder some Asians feel isolated, especially in the Deep South with its historical and ongoing racial divide between Black and White.

## **2. Chinese Experiences in Mississippi: A Case Study**

After the repeal of the Chinese Exclusion Act, Congress adopted a policy that allowed Chinese to immigrate, but still in limited numbers. The policy allowed 105 Chinese to enter to the United States yearly.<sup>39</sup> Eventually, in 1965 Congress passed the Immigration Act that eliminated these quotas,<sup>40</sup> after which a large number of Asians began to immigrate to the United States. Japanese people were also able to immigrate to this country after Japan was reconstructed and developed under the leadership of the United States.<sup>41</sup> According to the 2010 census, Asians were primarily located in states along the coasts, with 46 percent of Asians in the United States residing in the West and 20 percent in the Northeast.<sup>42</sup> Twenty-two percent

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<http://history.state.gov/milestones/1937-1945/ChineseExclusionActRepeal> (last visited Sep. 3, 2013).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Immigration & Nationality Act of 1965, Pub. L. No. 89-236, 79 Stat. 911.

<sup>41</sup> *Occupation and Reconstruction of Japan, 1945-52*, U.S. DEP'T OF STATE OFFICE OF THE HISTORIAN, <http://history.state.gov/milestones/1945-1952/JapanReconstruction> (last visited September 3, 2013).

<sup>42</sup> ELIZABETH M. HOEFFEL, SONYA RASTOGI, MYOUNG OUK KIM, AND HASAN SHAHID, *THE ASIAN POPULATION: 2010*, at 5 (2013), available at <http://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf>

of Asians lived in the South, mostly located in bigger cities such as Houston or Dallas.<sup>43</sup>

I am especially interested in the Asian community in Mississippi generally, and also in Jackson, Mississippi, where I attend law school. In order to search for the history of Asian immigrants in Mississippi, I went to the Mississippi Department of Archives and History in Jackson, Mississippi. After I tried various subject titles in the catalog, I obtained a file folder that included all of the materials relevant to the Chinese in Mississippi. The historical record indicates Chinese immigrants set foot in the Mississippi area as early as the mid-nineteenth century and that they primarily resided in the Delta area.<sup>44</sup> The Mississippi Delta area is located in the northwest section of the state of Mississippi between the Mississippi River and the Yazoo River. This unique and river-bound location has a long and complex history.<sup>45</sup> Due to its fertile land, since the early nineteenth century, the Mississippi Delta was predominately occupied by Blacks who worked on White-owned cotton plantations under the chattel slavery system.<sup>46</sup> The Delta area also included Chinese who were later brought in by White plantation owners after the Civil War in order to replace the newly freed Black slaves.<sup>47</sup> After the end of the Civil War in 1865, emancipation increased Black Americans' mobility to other parts of the country, creating a deficit in unpaid and low-paid labor, especially during the harvest season.<sup>48</sup> After finding it almost impossible to use new White immigrants or

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<sup>43</sup> *Id.* at 30.

<sup>44</sup> Taunya Lovell Banks, *Both Edges Of The Margin: Blacks And Asians in Mississippi Masala, Barriers To Coalition Building*, 5 ASIAN L.J. 7, 11 (1998).

<sup>45</sup> Gene Dattel, *Beyond Black and White in the Mississippi Delta*, N.Y.TIMES, Dec. 1, 2012, available at [http://www.nytimes.com/2012/12/02/opinion/sunday/beyond-Black-and-White-in-the-mississippi-delta.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2012/12/02/opinion/sunday/beyond-Black-and-White-in-the-mississippi-delta.html?pagewanted=all&_r=0).

<sup>46</sup> *Id.*

<sup>47</sup> Thornell, *supra* note 16, at 63.

<sup>48</sup> *Id.*

Blacks to continue the work in the fields, the White former slave masters turned their attention to non-White, non-Black Asian workers.<sup>49</sup> As a result, in 1870 a small number of Chinese arrived in Washington County in the Delta to work in the fields.<sup>50</sup>

Originally, the introduction of Chinese laborers into the Delta area was to replace the former Black laborers. The Chinese laborers' social statuses were placed on the bottom of the system, similar to that of the former slaves to some extent. Even though the Chinese came to work in voluntary servitude, after working in the fields for a while, the Chinese laborers realized their reality was contrary to what they were promised, or at least what they believed they would experience before they left for the United States.<sup>51</sup>

As a result, some immediately left the plantations after they raised enough capital to open small grocery stores.<sup>52</sup> At the time, because most Chinese grocery stores were primarily located in Black neighborhoods, Black Americans provided a strong clientele base to support the Chinese-owned businesses.<sup>53</sup>

As the Chinese began to identify the Delta as their home as opposed to a temporary shelter, they reassessed their social status standing between the binary of Black and White. They became proactively involved with the churches or communities predominately occupied by Whites.<sup>54</sup> Like their counterparts in China, the Chinese in Mississippi were also deeply attached to Confucianism, which holds that one's life success is hugely decided by

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *See id.*

<sup>52</sup> *Id.*

<sup>53</sup> JAMES W. LOEWEN, *THE MISSISSIPPI CHINESE: BETWEEN BLACK AND WHITE* 33 (Harvard University Press, 1971).

<sup>54</sup> Thornell, *supra* note 16, at 65.

one's academic achievement.<sup>55</sup> In order to have their children gain access to better educational resources and assets, Chinese in Mississippi attempted to reject their non-White classification in order to be accepted into the White community, and especially into the better-funded White schools.<sup>56</sup> At that time, Whites' acceptance of the Chinese varied depending on geography.<sup>57</sup> Some White communities allowed Chinese children to go to school with their White children; some refused.<sup>58</sup>

However, in 1927 the US Supreme Court granted certiorari to the first and only Mississippi case on the issue of Black/White school segregation and how that should affect the Chinese. In *Gong Lum v. Rice*, the Court completely sealed off access for Chinese citizens to study at White public schools in Mississippi.<sup>59</sup> In that case, Delta Chinese businessman, Gong Lum, was seeking to enroll his daughter, Martha Lum, a US and Mississippi-born citizen, into an all-White high school in the Rosedale Consolidated High School District.<sup>60</sup> According to Mississippi law, for the purpose of promoting "intellectual, scientific, moral, and agricultural improvement," all children between five and 21 years of age were obligated to attend a uniform system of free public schools.<sup>61</sup> Martha Lum was nine years old at that time she attempted to attend all-white Rosedale Consolidated High School. On the first day, she was able to attend class until the noon recess, when the superintendent notified her not to return to the school. The grounds for excluding Martha Lum from returning to

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<sup>55</sup> *See id.*

<sup>56</sup> *Id.* at 67.

<sup>57</sup> *Id.* at 66.

<sup>58</sup> *Id.* at 67.

<sup>59</sup> *See Lum v. Rice*, 275 U.S. 78 (1927).

<sup>60</sup> *Id.* at 80.

<sup>61</sup> *Id.*

Rosedale High was that she was of Chinese descent and not a member of the White or Caucasian race.<sup>62</sup>

After that, Gong Lum filed a petition for mandamus. The Court resolved the question based on Gong Lum's racial status.<sup>63</sup> The Court concluded Martha Lum was banned from attending the White school because of her non-White identity, even though she was a Mississippi-born US citizen. The Court analyzed Martha Lum's Equal Protection right under the doctrine of separate but equal; as long as Martha Lum had access to equal educational resources, the Court ruled that the racial separation was constitutional.<sup>64</sup>

Gong Lum's case indirectly exemplifies the rigid racial system in the Delta at that time. Although many Asians submitted to the racial order created by White supremacy and desired to be a part of the White community, the racial barrier still blocked them from fully integrating into the White society. According to the Court, the Chinese were not White, although the Chinese did not regard themselves as Black either. In *Lum* the Court adopted the same legal theory as in *Plessy v. Ferguson*,<sup>65</sup> and separated the non-White children from attending the all-White schools.<sup>66</sup> All in all, the Court expressed concerns that one exception to the separation of White from non-White students would open the floodgates to enroll more students of color in once all-White schools.<sup>67</sup>

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Plessy v. Ferguson*, 163 U.S. 537 (1896). In 1892, Homer Plessy was accused of violating the Separate Car Act by sitting in a White car. *Id.* at 538. Despite Plessy's light complexion, the US Supreme Court upheld the state court's decision in which it held that separate facilities for Blacks and Whites were constitutional as long as they were equal. *Id.* at 562-63. This concept was adopted by Lum's case in which the Court pointed out that as long as Chinese students had equal access to educational facilities as White students did, separation was constitutional. *Lum*, 275 U.S. at 80.

<sup>65</sup> *See Plessy*, 163 U.S. 537.

<sup>66</sup> *Lum*, 275 U.S. at 85.

<sup>67</sup> *Id.*



The Delta Chinese struggled with social status and racial identity when they settled down and regarded the Delta area as their home. On one hand, the Black community provided a stable and strong economic market for the Chinese-owned grocery businesses to succeed.<sup>68</sup> Black people shopped at the stores owned by the Chinese, and the stores were located in Black neighborhoods. On the flip side, the desire of the Chinese to identify with the White community provided a need for Chinese to assimilate into the White mainstream society, which owned greater resources and asserted a higher social status than either Chinese or Black Americans.<sup>69</sup> Nevertheless, with only a small population and an adherence to Chinese traditions, the Delta Chinese were isolated.

The Delta Chinese were stuck in the middle alone. Many tried to assimilate into the White culture, but were not deemed to be White. The Chinese rejected categorizing themselves as Black because the badges and incidents of slavery signified legal and social inferiority.<sup>70</sup> They not only had to confront the Black/White cultural conflicts, they also had to struggle with their identity as new Chinese immigrants arrived.<sup>71</sup> Moreover, the historical record does not indicate Chinese involvement in the Black/White racial and political disputes.

### *C. Lessons Learned from the Mississippi Sharecropping System*

This section is intended to use the sharecropping system in the Mississippi Delta as a framework model to discuss the racial position or role played by the Delta Chinese under the rigid racial system in the mid-nineteenth century. The purpose of understanding the role of the Delta

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<sup>68</sup> LOEWEN, *supra* note 53, at 33.

<sup>69</sup> *Id.* at 41.

<sup>70</sup> The Civil Rights Cases, 109 U.S. 3, 21 (1883) (discussing badges and incidents of slavery).

<sup>71</sup> LOEWEN, *supra* note 53, at 194–95.

Chinese during that era is to analogize this experience to the situation of Chinese immigrants in the State of Mississippi today. This analogy will be used to examine the value and place for Asian lawyers in Mississippi, and in the Deep South.

Modern Chinese immigrants and the Delta Chinese of the mid-nineteenth century have common ground in their small populations. Chinese immigrants were fairly concentrated in the Delta area during the mid-nineteenth century. The population of the Delta Chinese was lower than one percent of the whole Mississippi population, the same portion of the population as the Asian population in Mississippi today.<sup>72</sup>

Further scrutiny of the sharecropping part of Mississippi history involves reflection not only on the racialized treatment received by the Delta Chinese, but also on the choices that the Delta Chinese made in reaction to the racial system. While this article is not intended to judge the choices made by the Delta Chinese, the implications and impacts of the Delta Chinese's choices still come into play in modern Mississippi society. The legacy of the Delta Chinese's choices implies a need for even more Asian attorneys to help make the Asian community less isolated, especially politically, and more connected to justice-based relationships, including economic relationships, with others within the state and its institutions.

The Delta area is known for its agricultural industry that contributes to a wide variety of products due to the area's fertile flood lands.<sup>73</sup> In order to maximize the economic prospects of the land, a strong but stable supply of cheap labor was required. Before the Civil War, Black slaves were sold to

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<sup>72</sup> LYNN C. WOO, ET. AL., *THE MISSISSIPPI CHINESE POPULATION*, THE MISS. CTR. FOR POPULATION STUDIES & STATE DATA CTR. OF MISSISSIPPI, at 1 (2011), *available at* [http://www.olemiss.edu/depts/population\\_studies/WorkingPapers/population-brief-v-2011-1-the-ms-chinese-population.pdf](http://www.olemiss.edu/depts/population_studies/WorkingPapers/population-brief-v-2011-1-the-ms-chinese-population.pdf).

<sup>73</sup> MISSISSIPPI, *AMERICA'S STATE OF OPPORTUNITY*, MISSISSIPPI BOARD OF DEVELOPMENT 31 (1944).

White masters in the Delta area. This ensured the wheels of the economic machine functioned cheaply and allowed the minority White population to control the society.<sup>74</sup> Similarly, the subsequent system of sharecropping allowed the White minority to continue to control the economy in the Delta. A sharecropping system is a systematic form of labor exploitation.<sup>75</sup> Other than labor itself, the laborers basically have to rely on the plantation owners' support to live a life.<sup>76</sup> The owners furnish the land, the tools, and the equipment for the sharecroppers to begin the work, while sharing the harvest or purchasing the crops from the sharecroppers.<sup>77</sup> Because the owners have the bargaining power, or contractual power to decide the shares or the price of the crops, the sharecroppers are basically paying themselves to work for the owners.<sup>78</sup> This system also explains how the White minority controlled the economy of the Mississippi Delta even though, historically, the population has been predominantly Black. After the South was defeated in the Civil War, Black slaves were eventually emancipated and reforms followed. Under the Reconstruction Amendments of the Constitution, Black men were constitutionally granted the right to vote.<sup>79</sup> In early 1867, the principle of Black suffrage for newly emancipated Black Americans was constitutionally established with the Reconstruction Amendments. Between 1870 and 1872, the Republican-controlled Congress passed numerous laws pursuant to the Fourteenth and Fifteenth amendments that ensured the Fifteenth amendment was fully enforced in the South, where movements and policies impeding Black suffrage were prevalent.

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<sup>74</sup> *People & Events: Sharecropping in Mississippi*, PUBLIC BROADCASTING SYSTEM, (Oct. 16, 2009), [http://www.pbs.org/wgbh/amex/till/peopleevents/e\\_sharecrop.html](http://www.pbs.org/wgbh/amex/till/peopleevents/e_sharecrop.html).

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> LOEWEN, *supra* note 53, at 23.

Newly freed slaves' voting preferences potentially would lessen White political and economic control.<sup>80</sup> Under that circumstance, the White plantation owners decided to direct their labor demands overseas: introducing Chinese laborers to the South.<sup>81</sup> According to government records, early in the 1860s, a number of Chinese laborers were shipped to the United States from Southeast China, mostly Hong Kong or Guanzong.<sup>82</sup> Some moved directly from other parts of the United States. At first sight, the new business strategy seemed well-planned. However, it did not take the new Asian sharecroppers too long to figure out their real roles were to replace the openings left by the former slaves and to keep the old economic system functioning,<sup>83</sup> a system rooted in White power.

While the Delta Chinese were brought to Mississippi to supply the labor needs previously fulfilled by former Black slaves, the Delta Chinese worked under voluntary servitude. In other words, the sojourner's attitude and the slight connections to the New World predetermined the decline of the new White business plan. After leaving fieldwork, Chinese laborers ended up in an alternative that was closer to their original American Dream; opening small grocery stores in predominantly Black neighborhoods was the most accessible option for the Chinese immigrants.<sup>84</sup> This time, instead of following their former White employers' business plan, the Chinese immigrants created their own economic model in the same area where they were first promised the American Dream. Economically, Chinese immigrant-run 'small businesses were a success.<sup>85</sup> The primary clientele

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<sup>80</sup> *Id.*

<sup>81</sup> Thornell, *supra* note 16, at 11.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> LOEWEN, *supra* note 53, at 41.

<sup>85</sup> *Id.*

base was composed of Black Americans, whose post-slavery legal status allowed them to freely patronize the Chinese grocery stores.<sup>86</sup>

The success of Chinese grocery stores is unique. Various studies show different reasons for the success. Conclusively, several main factors are worth mentioning here to further articulate the Chinese store owners' successful transitions. The first factor is the traditional value of business enterprise entrepreneurship they brought from China.<sup>87</sup> Opening a small grocery store only required a low threshold of business costs. The second factor affecting the Chinese store owners had to do with the strong family ties of the Chinese community.<sup>88</sup> Unlike the Western business culture that separates commercial relationships from personal relationships, Chinese business cultures commonly combine the family and business. Generally, the Delta Chinese merchant would use the front space of a building for retail business and the whole family would live together in the back.<sup>89</sup> In addition, a program of apprenticeships for new visitors from China not only helped Chinese immigrants settle down, but also taught them business skills and gave them experience to successfully operate the grocery business. Following that trend, a union-like, family type of organization gradually developed. Finally, the rigid racial and caste system created a window of opportunity for Chinese merchants to do business without fearing exterior competition.<sup>90</sup> White supremacy squashed certain White merchants' chance to do business with Blacks by locating businesses, and residing, within Black communities. Blacks, who were long and continuously oppressed under the racial system, encountered White racism which additionally hindered their business success.

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<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* at 46.

<sup>90</sup> *Id.*

The nature of the Delta Chinese's racial role allowed them to act as a buffer between racial groups. As some old records indicate, on certain occasions Black and White customers would sit together in the Chinese grocery stores.<sup>91</sup> Nevertheless, the Delta Chinese were still part of the subordinated groups. The reality became clearer when the Delta Chinese's immigration status transformed from that of a temporary worker to that of a new immigrant who sees Mississippi as a new place to settle.<sup>92</sup>

Mere economic interests could only produce limited social recognition for the Delta Chinese as new settlers. They needed more. Academic privilege was the first touchstone for the Delta Chinese to move close to the White category. Under the Mississippi State Constitution, the legal concept of separate but equal guaranteed that students of color could go to schools of color only.<sup>93</sup> However, the best resources were still concentrated or distributed to the White schools.<sup>94</sup> Conceivably, this was also the reason Martha Lum chose to go to the all-White school rather than the school for Blacks.<sup>95</sup> However, the US Supreme Court pushed the Delta Chinese from a non-Black status to a non-White status, banning them from integrating into the White majority group within academic institutions.<sup>96</sup> The historical struggle of Chinese immigrants' racial identity demonstrates the consequence resulting from the prejudices inside the mainstream system. Delta resident Wilson Wong, a Chinese American who grew up in the Delta

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<sup>91</sup> Thornell, *supra* note 16, at 11.

<sup>92</sup> Loewen, *supra* note 453, at 52.

<sup>93</sup> *Lum*, 275 U.S. at 86.

<sup>94</sup> Jess Bravin, *In Mississippi, a Grey Area Between Black and White*, WALL ST. J., (Mar. 28, 2013), <http://online.wsj.com/news/articles/SB10001424127887324096404578354203039290568>.

<sup>95</sup> *Lum*, 275 U.S. at 79.

<sup>96</sup> *Id.*

area, stated “the Chinese culture was caught between Black and White, and was accepted and rejected by them both.”<sup>97</sup>

At some point many Delta Chinese began to leave and search for opportunity in other places. Even though the Chinese culture remains strong in the Delta area, many Chinese Americans in this area are in the process of becoming Americanized.<sup>98</sup> Nonetheless, the challenges that were once faced by the Delta Chinese persist. According to 2010 census data, the majority of the Asians in the United States were foreign born.<sup>99</sup> The census data reflects the fact that new immigrants encounter language barriers, cultural adjustments, and stereotypes. The veil of isolation which covers this community may be penetrated by the Asian lawyers who practice in the Deep South. The Asian Lawyer in the Deep South should utilize the buffer-like racial position played by the Asian groups in this area historically, similar to the role played by the Delta Chinese merchants several decades ago, to bridge or close the gap not just in terms of race, but also for numerous other social-based issues.

## II. ASIAN LAWYERS AND THE LEGAL SYSTEM IN THE DEEP SOUTH

As discussed above, Asians have suffered under the United States’ legal system in the past. The situation in the Deep South is even direr as Asians seem to live in the middle between Black and White. While Chinese immigrants legally sought White privilege in choice of schools, Chinese immigrants were not labeled as White, but as a racial minority, albeit a model minority. Today, racial educational barriers may have diminished, but the labels remain. To become more vocal citizens, Asian lawyers can

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<sup>97</sup> Leslie R. Myers, *The Delta Draw*, CLARION-LEDGER (Jan. 22, 1991).

<sup>98</sup> Danny McKenzie, *Chinese Influence Strong but Changing in Mississippi Delta*, CLARION-LEDGER, Jul. 5, 1995.

<sup>99</sup> TAYLOR, *supra* note 3.

help the Asian community, just like the lawyers from other ethnic backgrounds helped other racial groups. Asian lawyers are in need in accordance with the growingly diverse face of the United States. Thus this section will discuss why there is a need for Asian lawyers in the Deep South. Then, this article will further address the specific role of Asian lawyers and the value that Asian lawyers can bring to the Deep South.

*A. Large Increase in Asian Population, Little Increase in Asian Lawyers*

Progressing from the situation almost a hundred years ago in *People v. Hall*<sup>100</sup> where Chinese immigrants were barred from testifying in the US judicial system, the numbers of Asian lawyers have increased in the past two decades. From 1990 to 2000, the percentage of Asian lawyers increased from 1.4 percent to 2.2 percent.<sup>101</sup> And the uptrend continued from 2000 to 2010 rising up to 3.4 percent.<sup>102</sup>

However, a constant trend of the small but growing numbers of Asian legal professionals does not fully resolve the challenges faced by the needs for Asian lawyers. So far, Asian legal professionals are overly concentrated in states geographically located on the east and west coasts or states with larger Asian populations. States in the Deep South have relatively smaller numbers of Asian lawyers.<sup>103</sup>

For example, according to 2000 US census data only 0.63 percent of Louisiana's lawyers were Asian Americans.<sup>104</sup> In Mississippi, the number

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<sup>100</sup> Hall, 4 Cal. at 400.

<sup>101</sup> AMERICAN BAR ASSOCIATION, LAWYER DEMOGRAPHICS 2011 (2012), available at [http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer\\_demographics\\_2012\\_revised.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2012_revised.authcheckdam.pdf).

<sup>102</sup> *Id.*

<sup>103</sup> Michael John Balaoing, *The Challenge of Asian Pacific American Diversity of Unity: A Study of Individual Ethnic Bar Associations Within the Asian Pacific American Community of Los Angeles*, 2 ASIAN PAC. AM. L.J. 17 (1994).

<sup>104</sup> STATE & COUNTY QUICK FACTS, *supra* note 1.



of Asian lawyers is likely even lower. I requested statistics from the Mississippi Bar, but the Bar would not oblige.

However, there are two law schools located in Mississippi: Mississippi College School of Law in Jackson, Mississippi, and the University of Mississippi School of Law in Oxford, Mississippi (“Ole Miss”). According to the first year enrollment for the Class of 2013, Ole Miss minority law students make up less than 20 percent<sup>105</sup> of the student body as opposed to Mississippi College School of Law’s 25 percent.<sup>106</sup> Neither of these two schools has a law journal that focuses on Asian issues nor any Asian minority organization. Any diversity initiatives made by the schools, apparently, do not catch up with the diverse face of Mississippi.<sup>107</sup>

While Chinese Americans make up a fairly small portion of the total population in Mississippi at less than one percent of Mississippi’s total population, the percentage change of the Chinese population is substantially more than that of the overall growth of the state population in the last four decades.<sup>108</sup> With that being said, if the law schools do not prepare or implement any significant initiative to increase the number of Asian law students or Asian lawyers in Mississippi or in the Deep South, the recruitment, retention, and development of Asian lawyers in Mississippi or in the Deep South will be challenged.<sup>109</sup> Mississippi College School of Law, which is located in the capital city and is the school I attend, recently

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<sup>105</sup> *Facts and Profile*, UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW (2013), <http://law.olemiss.edu/prospective-students/class-profile-fact/>.

<sup>106</sup> *Future Success Stories: The Entering Class of 2012*, MISSISSIPPI COLLEGE SCHOOL OF LAW (2012), <http://law.mc.edu/prospective-students/>.

<sup>107</sup> WOO, ET. AL., *supra* note 64.

<sup>108</sup> *Id.*

<sup>109</sup> See generally Carlos Davila-Caballero, *Mind the Diversity Gap: Employers with Diversified Recruitment Practices Potentially Recruit More Color*, 56 L.A. B.J. 430 (Apr./May, 2009).

reported 1.5 percent Asian students.<sup>110</sup> Some may argue that the numbers of Asian students reflect the population. However, this is just a start because few Asian lawyers practice in the state. My repeated attempts to gather statistics from the Mississippi Bar were unsuccessful. Therefore, the call for Asian lawyers to the Deep South is immediate. Their critical role is discussed below.

*B. The Need for Asian Lawyers*

There is a growing need for Asian lawyers to match the legal needs for the growing Asian population. Not only will the legal professional employers have limited Asian applicant pools to recruit from, but also the legal needs required by the growing Asian community in Mississippi will once again be ignored, just like the needs of the Delta Chinese several decades ago.

After the removal of the bar on Asian immigrants' entry to the United States in 1965,<sup>111</sup> an increasing number of Asian immigrants have succeeded in entry. In the last decade, Asian immigrants have exceeded Hispanic immigrants becoming the fastest growing minority group in the United States.<sup>112</sup> It is projected that the increase in the population growth of Asians and the changing demographics of the United States will transition so that no majority group will exist at all.<sup>113</sup> As one report points out,<sup>114</sup> the majority of Asian immigrants are foreign born. In other words, those Asian immigrants were likely the first or second generation of immigrants who

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<sup>110</sup> *Consumer Data Report*, MISSISSIPPI COLLEGE SCHOOL OF LAW [http://law.mc.edu/files/6913/8919/6093/Std509InfoReport-172-170-01-08-2014\\_10-15-05.pdf](http://law.mc.edu/files/6913/8919/6093/Std509InfoReport-172-170-01-08-2014_10-15-05.pdf).

<sup>111</sup> Gabriel J. Chin, *The Civil Right Evolution Comes to Immigration Law: A New Look At the Immigration and Nationality Act of 1965*, 75 N.C. L. REV. 273, 312 (November 1996).

<sup>112</sup> Taylor, *supra* note 3, at 4.

<sup>113</sup> Sam Robert, *Projections Put White In Minority in U.S. By 2050*, N.Y. TIMES Dec. 17, 2009, [http://www.nytimes.com/2009/12/18/us/18census.html?\\_r=0](http://www.nytimes.com/2009/12/18/us/18census.html?_r=0).

<sup>114</sup> TAYLOR, *supra* note 3, at 4.

just settled down in this country. As a result, the first obstacle in legal representation for this community will be the language barrier. This is not to say that only Asian lawyers can help the Asian community in this respect. However, a large number of Asian lawyers can play a unique role.

Due to the historical and geographical differences, Asian languages are very different from European languages. Nevertheless, because English is the most commonly used language in the United States, it becomes the first step for new immigrants to immerse themselves in the society. For example, in Georgia, the state supreme court found that the number of minority attorneys that understand and are capable of communicating in the language of the new immigrants is very limited.<sup>115</sup> Moreover, the proportion of racial minorities in Georgia's judiciary is smaller than that of minorities in the state's total population.<sup>116</sup> Similar to Georgia, in Mississippi, the language barrier bars new Asian immigrants from effectively asserting their legal rights when faced with legal disputes. As a result, Asians are discouraged from using the US judicial system.<sup>117</sup>

Increasing numbers of Asian lawyers will create more representation of and attention to the sensitive needs of Asian groups.<sup>118</sup> In Kanter's classic case study conducted in 1977, she found women's success in traditionally male jobs has a significant correlation to their relative numerical representation in the workplace.<sup>119</sup> Women who work in predominantly

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<sup>115</sup> Georgia Supreme Court Commission, *Racial and Ethnic Bias in the Court System*, 12 GA. ST. U. L. REV. 687, 723 (1996).

<sup>116</sup> *Id.* at 699.

<sup>117</sup> Brian A. Shue, *Rights to Language Assistance in Florida: An Argument to Remedy the Inconsistent Provisions of Court Interpreter in State and Federal Court*, 6 FIU L. REV. 387, 394 (2011).

<sup>118</sup> Michael John Balaoing, *The Challenge of Asian Pacific American Diversity of Unity: A Study of Individual Ethnic Bar Associations Within the Asian Pacific American Community of Los Angeles*, 2 ASIAN PAC. AM. L.J. 1, 8 (1994).

<sup>119</sup> Christopher Uggen, *Men and Women of Elite Law Firms: Reevaluating Kanter's Legacy*, 25 LAW & SOC. INQUIRY 41, 42 (Winter 2000).

male workplaces suffered from isolation and increased performance pressure, largely because of their proportional rarity.<sup>120</sup>

Under the same logic, Kanter and other scholars also argue that a similar effect will impact racial minorities in a predominantly White workplace.<sup>121</sup> In 2000 this theory was tested again based on a sample of elite law firms.<sup>122</sup> The results show that minority partner representation has a positive effect on minority associate representation, especially in women and Asians.<sup>123</sup> The reevaluation of Kanter's theory provides a critical explanation of the role for of Asian Lawyers in Mississippi or in the Deep South.

With only a small number of graduating Asian law students in Mississippi, there will likely only be a small number of Asian lawyers as associates working in Mississippi. Due to the small representation of Asian associates, a lower Asian partner representation is anticipated without a doubt.<sup>124</sup> This effect greatly impacts the Asian community's legal interests and needs under the American judicial system when the community lacks Asian lawyer representation that shares and understands similar language or cultural backgrounds.

More Asian lawyers can play two other critical roles in the Deep South: building coalition within Asian subgroups and building coalition with other oppressed groups. While the outcome in *Lum*<sup>125</sup> was frustrating, the lesson from the case is instructive. In this case, in order to enroll Martha, a Chinese American child, in an all-White school, Lum's lawyer explicitly distanced

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<sup>120</sup> *Id.* at 42.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> Elizabeth Chambiss, Organizational Determinants of Law Firm Integration, 46 AM. U. L. REV. 669, 705 (1997). The study shows that Associate composition is highly correlated with partner composition. It is reasonable to infer from the study that law student composition is highly correlated with associate composition.

<sup>125</sup> *Lum*, 275 U.S. at 79.

the Delta Chinese from Blacks as a group, simply arguing that the Delta-born Chinese descent school-aged citizen is not Black. Nevertheless, the Mississippi supreme court and the US Supreme Court were not interested in distinguishing Chinese immigrants from Black or other historically disparaged minorities.

Still, the decision of the Delta Chinese to dissociate from Blackness was at the expense of the Black communities. According to Professor Bank, this is called simultaneous racism.<sup>126</sup> She explains, “One subordinated group advances the racial oppression of other subordinated groups in order to escape similar oppression is what simultaneous racism means.”<sup>127</sup> By exchanging solidarity with other oppressed groups for the attempt to attend privileged White schools, the Delta Chinese gave up an opportunity for coalition between them and Black communities in terms of asserting racial justice and racial equality. Thus, the Delta Chinese remained in the struggle under the same racial hierarchy that first brought them to Mississippi to replace the subordinated group they economically relied on.

Today, a half century later, the racial hierarchy continues to be perpetuated. Asians and Blacks are still subject to the subordination of the racial system while knowing, yet ignoring, that there is a possibility to address the social justice issues together.

An Asian lawyer in the Deep South can help fill the gaping hole between Black and White by reaching out to the Delta Chinese to create a new platform for the coalition with other racial groups. For example, Black attorneys, along with other progressive attorneys, have formed the Magnolia Bar Association.<sup>128</sup> More Asian lawyers in the Deep South should

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<sup>126</sup> Banks, *supra* note 44, at 8.

<sup>127</sup> *Id.*

<sup>128</sup> See *Magnolia Bar Association*, <http://www.magnoliabar.org> (last visited Feb. 22, 2014). I am currently a member of this group. This group addresses many of my

work with Black lawyers to address common concerns, and can also address the unique concerns of the Asian community.

The final role of Asian lawyers in the Deep South is to organize the Asian community's exercise of political power. A well-known Civil Rights advocate W.E.B. DuBois believed that political power makes changes.<sup>129</sup> He urged all Black people to vote in order to gain civic equality.<sup>130</sup> Although Asians are a small percentage, this small group can create significant improvements for the equality of Asians and other underrepresented groups.

### III. CONCLUSION

Asian Lawyers do have a "place" in Mississippi or in the Deep South, regardless of their geographic locations or small proportion of the population. The current trend of rapid growth of Asian immigrants will continue, even after the overhaul of immigration reform is implemented. Even without legal resources provided, the demographic of Asian immigrants in Mississippi or in the Deep South will likely continue to grow. Nevertheless, without complete access to knowledge of the US judicial system, Asian groups would be forced to retreat in the shadow with no interaction or assimilation or coalition with other racial groups in society.

The United States is known for being a melting pot, an increasingly multiracial society. Thus far, the judicial system is the best way to interconnect every corner of the society in terms of resolving legal issues or matters. Those Asian groups with a recent history of immigration often retain the norms they brought from their countries of origin. Thus, Asian

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concerns, however some of my concerns are not addressed. When I attended meetings, I was the only Asian member.

<sup>129</sup> Robert A. Gibson, *Booker T. Washington and W.E.B. DuBois: The Problem of Negro Leadership*, YALE-NEW HAVEN TEACHER INSTITUTE 2013, (2013), available at <http://www.yale.edu/ynhti/curriculum/units/1978/2/78.02.02.x>.

<sup>130</sup> *Id.*

lawyers can reshape this relationship with their attentiveness to cultural norms and interests, as well as with their knowledge of the US Judicial System.

Furthermore, another important task for Asian lawyers is to serve the common interests of justice with other racial groups. More than a half century ago, the Delta Chinese alienated themselves socially from their economic support provided by the Black community. While economically surviving based on the expenditures of Blacks in the Chinese grocery stores, Chinese often declined to become socially a part of the Black communities where their grocery stores were located. However, the price the Chinese merchants paid did not help them remove themselves from part of the subordinated groups. The White community and schools still did not regard the Delta Chinese as entitled to White inclusion. However, the Chinese merchants' unique role as a buffer in the Delta region can provide a platform for modern Asian lawyers to create unity and consensus among other racial groups in terms of asserting common issues and interests of justice and equality. This paper is a call for more Asian lawyers in the Deep South.